



By Representative Pollet

**PSHB 1436** - H COMM AMD (TO H-1158.1/23)

By Committee on Appropriations

1 On page 3, line 24, after "year," strike "1.03" and insert "1.035"

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3 On page 3, line 25, after "year," strike "1.0385" and insert

4 "1.04"

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6 On page 3, line 26, after "year," strike "1.05" and insert "1.043"

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8 On page 3, line 31, after "year," strike "1.015" and insert "1.02"

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10 On page 3, line 32, after "year," strike "1.0225" and insert

11 "1.025"

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13 On page 3, line 33, after "year," strike "1.034" and insert

14 "1.028"

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16 On page 7, at the beginning of line 12, strike "(1)" and insert

17 the following:

18 "Beginning July 1, 2025:

19 "(1)"

20

21 On page 8, after line 3, insert the following:

22

23 "(4) The legislature must review any findings and recommendations

24 from the report and audit required under section 6 of this act and

25 adjust formulas in this section as appropriate."

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27

1 On page 8, beginning on line 4, strike all of sections 5 and 6 and  
2 insert the following:

3

4 "NEW SECTION. **Sec. 5.** A new section is added to chapter 28A.  
5 155 RCW to read as follows:

6 (1) The superintendent of public instruction shall annually  
7 review data from local education agencies, including the percentage  
8 of students receiving special education services, to ensure there is  
9 not a disproportionate identification of students, as defined by the  
10 superintendent of public instruction in accordance with federal  
11 requirements of the individuals with disabilities education act, 20  
12 U.S.C. Sec. 1400.

13 (2) The office of the superintendent of public instruction shall  
14 provide technical assistance to school districts experiencing issues  
15 related to disproportionality and will make available professional  
16 development opportunities statewide to support local education  
17 agencies, schools, and community partners in promoting inclusionary  
18 teaching practices within a multitiered system of supports framework  
19 to help safeguard against over-identification and other issues related  
20 to disproportionality.

21

22 NEW SECTION. **Sec. 6.** (1) The joint legislative audit and  
23 review committee and the state auditor must collaborate to prepare a  
24 report and conduct a performance audit of the state's system of  
25 providing special education services to students with disabilities.  
26 The joint legislative audit and review committee and the state  
27 auditor may divide responsibility for the work required in this  
28 section as appropriate, and contract with qualified third-party  
29 researchers or higher education institutions to perform any aspect  
30 of the report and audit. The report and audit must address:

31 (a) The prevalence of disabilities and whether the provisions  
32 and funding for evaluating students and providing services reflects  
33 the prevalence of disabilities, including whether any populations  
34 are disparately underevaluated or underserved;

1 (b) The degree to which changes in funding formulas intended to  
2 encourage increased inclusion are successful and whether the state  
3 and school districts are utilizing best practices to improve  
4 inclusion;

5 (c) Whether the changes in evaluation timelines or increases in  
6 the funded enrollment limit have resulted in funding for students  
7 who do not have disabilities or in excess of districts' costs to  
8 serve students with disabilities;

9 (d) Whether districts are appropriately accounting for and  
10 reporting use of basic education allocations for students with  
11 disabilities, including if statutory expectations for use of funds  
12 are being met;

13 (e) The amount of funding from levies or other local sources  
14 that school districts continue to utilize under current accounting  
15 methodologies in order to meet obligations to provide free and  
16 appropriate public education to students with disabilities, the  
17 degree to which funding shortfalls will continue following planned  
18 increases in multipliers, proposed changes to accounting  
19 methodologies, and the elimination of a cap on the percent of  
20 students for whom the state provides funding; and, options for  
21 additional changes to funding formulas to eliminate shortfalls in  
22 state funding for special education; and

23 (f) How the state may improve recruitment and retention of  
24 certificated educators, instructional aides, or paraeducators and  
25 professionals serving students with disabilities.

26 (2) To develop the appropriate scope, define study questions,  
27 and select one or more contractors to complete the performance audit  
28 and report, the joint legislative audit and review committee and  
29 state auditor shall consult with the office of the superintendent of  
30 public instruction, the office of the education ombuds,  
31 organizations representing and serving students with disabilities,  
32 the Washington state special education advisory council, and labor  
33 organizations representing educators providing educational services  
34

1 to students with disabilities in developing study questions and  
2 choosing appropriate contractors.

3 (3) The report and performance audit required by this section  
4 must include charter schools and state-tribal education compact  
5 schools to the same extent as school districts.

6 (4) Prior to the 2024 legislative session, the joint legislative  
7 audit and review committee and the state auditor must identify a  
8 lead agency for each element of the report and audit defined in  
9 subsections (1)(a) through (f) of this section and any aspects of  
10 the study that are being conducted by contractors to the governor  
11 and the committees of the legislature with jurisdiction over fiscal  
12 matters and special education.

13 (5) The joint legislative audit and review committee and the  
14 state auditor must, in accordance with RCW 43.01.036, report the  
15 study's findings and recommendations to the governor and the  
16 committees of the legislature with jurisdiction over fiscal matters  
17 and special education by November 30, 2024.

18 (5) This section expires August 1, 2025.

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20 NEW SECTION. **Sec. 7.** Sections 2 and 3 of this act take effect  
21 September 1, 2023.

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23 NEW SECTION. **Sec. 8** Section 4 of this act takes effect July  
24 1, 2025."

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26 Correct the title.

EFFECT:

Revises multipliers to shift a portion of the increase ahead to the first two school years of changes.

Includes previously removed section from underlying bill requiring the Office of the Superintendent of Public Instruction to review data for disproportionate identification of students and assist school districts to support inclusionary teaching practices.

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Changes effective date of section 4, which codifies the use of basic education allocations for special education purposes, to July 1, 2025.

Revises the requirements of the report and audit to be performed by the Joint Legislative Audit and Review Committee and the State Auditor to clarify division of work and the use of contractors to perform elements of the work.

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